

By: Ellis

S.B. No. 1386

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting semiautomatic assault weapons; creating an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 46.01, Penal Code, is amended by adding Subdivision (17) to read as follows:

(17) "Semiautomatic assault weapon" means:

(A) a semiautomatic rifle that has the capacity to accept a detachable magazine and has at least two of the following:

(i) a pistol grip that protrudes conspicuously beneath the action of the weapon;

(ii) a folding or telescoping stock;

(iii) a grenade launcher or flare launcher;

(iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor;

(v) a forward pistol grip; or

(vi) a bayonet mount;

(B) a semiautomatic pistol that has the capacity to accept a detachable magazine and has at least two of the following:

(i) an ammunition magazine that attaches to the pistol outside of the pistol grip;

(ii) a threaded barrel, capable of

1 accepting a barrel extender, flash suppressor, forward handgrip, or  
2 silencer;

3 (iii) a shroud that is attached to, or  
4 partially or completely encircles, the barrel and that allows the  
5 bearer to fire the weapon without burning the bearer's hand, except  
6 a slide that encloses the barrel;

7 (iv) a manufactured weight of 50 ounces or  
8 more when the pistol is unloaded; or

9 (v) a semiautomatic version of an automatic  
10 firearm;

11 (C) a semiautomatic shotgun that has at least two  
12 of the following:

13 (i) a folding or telescoping stock;

14 (ii) a pistol grip that protrudes  
15 conspicuously beneath the action of the weapon;

16 (iii) a fixed magazine capacity in excess  
17 of five rounds; or

18 (iv) the capacity to accept a detachable  
19 magazine;

20 (D) a shotgun with a revolving cylinder; and

21 (E) any of the following firearms, or a copy or  
22 duplicate of any of the following firearms, in any caliber:

23 (i) Norinco, Mitchell, or Poly Technologies  
24 Avtomat Kalashnikovs (all models);

25 (ii) Action Arms Israeli Military  
26 Industries UZI and Galil;

27 (iii) Beretta AR-70;

1                    (iv) Colt AR-15;

2                    (v) Fabrique National FN/FAL, FN/LAR, and  
3 FNC;

4                    (vi) SWD M-10, M-11, M-11/9, and M-12;

5                    (vii) Steyr AUG; or

6                    (viii) INTRATEC TEC-9, TEC-DC9, and TEC-22.

7            SECTION 2. Chapter 46, Penal Code, is amended by adding  
8 Section 46.055 to read as follows:

9            Sec. 46.055. SEMIAUTOMATIC ASSAULT WEAPONS PROHIBITED. (a)  
10 A person commits an offense if the person knowingly possesses,  
11 manufactures, transports, repairs, sells, or offers to sell a  
12 semiautomatic assault weapon.

13            (b) An offense under this section is a Class A misdemeanor,  
14 except that if it is shown on the trial of the offense that the  
15 person has been previously convicted of an offense under this  
16 section, the offense is a state jail felony.

17            (c) It is a defense to prosecution under this section that:

18                    (1) the semiautomatic assault weapon is a firearm  
19 manufactured before January 1, 1899;

20                    (2) the person lawfully possessed the weapon on August  
21 31, 2005;

22                    (3) the person's conduct was incidental to the  
23 performance of an official duty by the armed forces or national  
24 guard, a governmental law enforcement agency, or a correctional  
25 facility; or

26                    (4) the weapon is one sanctioned by the International  
27 Olympic Committee and by USA Shooting and is used solely for

1 competitive target shooting purposes.

2 SECTION 3. This Act takes effect September 1, 2005.